

ORIGINAL

UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF TEXAS

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

JAN 14 2010

Michael J. Kelly, Clerk of Court

BAC HOME LOANS SERVICING,
LP

Plaintiff,

v.

TEXAS REALTY HOLDINGS, LLC,
LANCE KERNESS; DAMPKRING,
LLC; BRIEN WEST; G.P.
MATHERNE; SUSAN SHEN, TERRY
H. SEARS, NANCY GROVES,
JENNIFER TRAN, NEW CENTURY
PROPERTIES, LLC, CHARLES
COWIN, NICK TRAN, and ABE
MOSS.

Defendants.

H-09-2539
Case No. _____

SUMMONS IN A CIVIL ACTION

TO: **Brien West**
10220 Memorial Drive #145
Houston, Texas 77024

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) – or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12(a)(2) or (3) – you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

C. Charles Townsend
AKERMAN SENTERFITT, LLP
Plaza of the Americas, Suite S1900
600 North Pearl Street
Dallas, Texas 75201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the Court.

CLERK OF COURT

DATE: **AUG 10 2009**

Signature of Clerk or Deputy Clerk

ORIGINAL

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. H-09-2539

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) BRIEN WEST
 was received by me on (date) 12/22/2009.

☐ I personally served the summons on the individual at (place) _____
 on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
 designated by law to accept service of process on behalf of (name of organization) _____
 on (date) _____; or

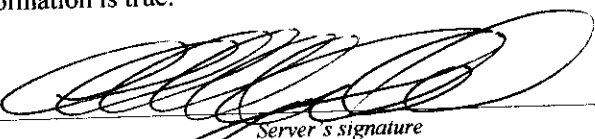
☐ I returned the summons unexecuted because _____; or

☒ Other (specify): By Substitute Delivery to Brien West, by posting on the door of the residence at 7922
 Wellington Court, Houston, Texas, per order granting unopposed motion for substitute
 service on January 7, 2010 @ 5:28 p.m.

My fees are \$ 180.00 for travel and \$ 83.16 for services, for a total of \$ 263.16.

I declare under penalty of perjury that this information is true.

Date: 01/08/2010



 Server's signature

Marcos Lardizabal-SCH768/Private Process Server

 Printed name and title

P.O. Box 841202
Houston, Texas 77284

 Server's address

Additional information regarding attempted service, etc: